IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO. 18888 OF 2007

Dated : November 19, 2007

Between:

Anwarul-ul-Uloom Educational Association,
Registered under A.P. (Telangana Area) Public
Societies Registration Act, having their Head
Office at New Mallepally, Hyderabad –1,
Rep. by the Honorary Secretary and Correspondent,
Mahaboob Alam Khan and another

Petitioners

AND

The Government of Andhra Pradesh,
Municipal Administration & Urban
Development (TC) Department,
Secretariat, Saifabad, Hyderabad and another

Respondents

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO. 18888 OF 2007

ORAL ORDER: **(per THE HON'BLE MRS. JUSTICE T.MEENA KUMARI)**

Claiming exemption from payment of the property tax under clause 5(iii) of GO Ms. No. 468 MA, Municipal Administration & Urban Development (TC) Department dated 31.7.1993 and to declare proceedings Lr. No.D/823/2007 dated 26.07.2007 issued by the second respondent, which purports to state that the second petitioner institution is not recognized, as illegal and arbitrary and consequently direct the respondents not to insist on payment of property tax raised, the petitioner sought a writ of mandamus.

The first petitioner is a Society formed with the object of establishing Educational Institutions for imparting education and the second petitioner is one such College of Engineering and Technology at Vikarabad, Rangareddy District, established during the academic year 1997-1998 with the recognized of State Government in terms of GO Ms. No. 23 Minorities Welfare (M&R) Department dated 10.3.1999 and approval granted by the All India Council for Technical Education, New Delhi and affiliated to Jawaharlal Nehru Technological University. The petitioner contends that since such affiliation and permission was extended from time to time, therefore, the petitioner Institution is a recognized institution. It is case of the petitioners that since the building in which the second

petitioner college is running squarely falls within the ambit of clause 5 (iii) of GO Ms. No. 468 Municipal Administration & Urban Development (TC) Department dated 31.7.1993, which exempts payment of the property tax, in respect of the buildings owned and used as recognized educational institution, the demand for payment of property tax under the premise that the petitioner institution is not a recognized institution, as sought to contend by the 2nd respondent in its letter 26.7.2007 is illegal, arbitrary and violative of Articles 14 and 30 of the Constitution of India.

While that being so, during the course of arguments, it is submitted by the learned counsel appearing on behalf of the petitioners that the second respondent has issued a letter dated 31.10.2007 which *inter alia* reads that exemption is applicable only to the recognized Educational Institutions and also called for certain particulars from the second petitioner institution, within three days, failing which, action was proposed under the provisions of A.P. Municipalities Act, 1965.

In view of these facts, without delving on merits or otherwise of the contentions raised in this writ petition, we afford an opportunity to the petitioners to furnish the particulars asked for by the respondent in his letter dated 31.10.2007 within two weeks from the date of receipt of a copy of this order. As contended by the learned counsel

for the petitioners, the petitioners are at liberty to raise all the objections before the respondents, that are raised herein, and the respondents are directed to consider the same and pass appropriate orders after affording opportunity of hearing to the petitioners, within a period of eight weeks therefrom.

With these directions, the writ petition is disposed of. No order as to cost.

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T.MEENA KUMARI, J.

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G.ROHINI, J.

November 19, 2007
MAS